

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04:-CV-10281 EFH
)	
IBJTC Business Credit Corp. and)	
David Molinario,)	
Defendants.)	

**PLAINTIFF’S OPPOSED MOTION FOR LEAVE TO APPEAL UNDER § 1292
AND REQUEST FOR EMERGENCY DECISION BY SUBMISSION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff ARY Jewelers, LLC (“Plaintiff”), pursuant to 28 U.S.C. § 1292, files this Opposed Motion for Leave to Appeal under § 1292 and Request for Emergency Decision by Submission.

Plaintiff files a memorandum of reasons in support of this Motion contemporaneously with the filing of this Motion.

Given the trial setting of December 4, 2006, Plaintiff also requests that the Court consider this Motion on an emergency basis before the usual time for submission under the Local Rules.

Dated November 27, 2006

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

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CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney has conferred with counsel for Defendant and the same is opposed to the relief requested in this Motion.

/s/ Stephen P. Carrigan, /s/by Jill L. Groff
Stephen P. Carrigan/Jill L. Groff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Plaintiff's Opposed Motion for Leave to Appeal under § 1292 and Request for Emergency Decision by Submission was served to each person listed below by certified mail, return receipt requested, facsimile and/or hand delivery on the 27th day of November 2006.

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